

August 11, 2000

Mr. Arthur Gutschmidt, Chairperson
Wilmac Special Education Unit
1911 9th Avenue E
Williston, North Dakota 58801-3613

Dear Mr. Gutschmidt:

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the Wilmac Special Education Unit during May 9, 10, and 11, 2000 for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA) and assisting your Unit in developing strategies to improve results for children with disabilities. The IDEA Amendments of 1997 focus on “access to services” as well as “improving results for children and youth with disabilities”. In the same way, the Continuous Improvement Monitoring Process implemented by NDDPI is designed to focus Federal, State and local resources on improved results for children with disabilities and their families through a working partnership among NDDPI, the Wilmac Special Education Unit, parents and stakeholders.

In conducting its review of the Wilmac Special Education Unit, NDDPI applied the standards set forth in the IDEA 97 statute and Part B regulations (34 CFR Part 300), as they were in effect at the time of the review. On March 12, 1999, the United States Department of Education published new final Part B regulations that took effect on May 11, 1999. In planning and implementing improvement strategies to address the findings in this report, the Wilmac Special Education Unit should ensure that all improvement strategies are consistent with the new final regulations.

The enclosed report addresses strengths noted during the review, areas that require corrective action because they represent noncompliance with the requirements of the IDEA, and suggestions for improvements that will lead to best practice. Enclosed you will find an Executive Summary of the Report, an Introduction including background information, and a description of issues and findings. NDDPI will work with you to develop corrective actions and improvement strategies to ensure improved results for children with disabilities.

Thank you for the assistance and cooperation provided by the Wilmac staff and Collaborative Review Steering Committee members during our review. Throughout the course of the review, Mr. Mike Ross, Director of Special Education for the Wilmac Special Education Unit was responsive to requests for information and assistance from NDDPI personnel. Mike Ross, JoAnn Ross, and Arlene Campbell are to be commended for their coordination and support of the special education program. Mike, JoAnn, and Arlene’s knowledge and history in special

education are a definite asset to the program. Their commitment is a valuable asset to the Wilmac Special Education Unit. The dedicated and professional service providers in the unit, including paraeducators, are also to be commended. Members were organized and provided excellent input in the interviews conducted by NDDPI.

Thank you for the continued efforts toward the goal of achieving better results for children and youth with disabilities in North Dakota. Since the enactment of IDEA and its predecessor, the Education of All Handicapped Children Act, one of the basic goals of the law, ensuring that children with disabilities are not excluded from school, has largely been achieved. Today, families can have a positive vision for their children's future.

While schools have made great progress, significant challenges remain. Now that children with disabilities are receiving services, the critical issue is to place greater emphasis on attaining better results. To that end, we look forward to working with the Wilmac Special Education Unit in partnership to continue to improve the lives of individuals with disabilities.

Sincerely,

Robert C. Rutten, ND Director of Special Education
Department of Public Instruction

cc: Mike Ross

Enclosure

EXECUTIVE SUMMARY WILMAC SPECIAL EDUCATION UNIT

The attached report contains the results of the first two phases (Collaborative Review and Verification Review) of the North Dakota Continuous Improvement Monitoring of the Individuals with Disabilities Education Act (IDEA), Part B, in the Wilmac Special Education Unit during the 1998 – 1999 and 1999 – 2000 school years. The process is designed to focus resources on improving results for children with disabilities and their families through enhanced partnerships between the North Dakota Department of Public Instruction (NDDPI), the Wilmac Special Education Unit, parents and stakeholders.

Monitoring Activities

Several means were used in the monitoring process to gather data and review procedures and determine the extent to which the Wilmac Special Education Unit is in compliance with federal and state regulations.

The Collaborative Review phase of the monitoring process included the completion of an extensive self-assessment under the direction of a local Steering Committee that provided further comments on the information. Wilmac Special Education Unit identified five self-assessment activities as part of its Collaborative Review:

1. Information regarding satisfaction with Wilmac Special Education Unit was requested utilizing improvement study surveys and activities. Survey forms were adapted from models supplied by NDDPI.
2. Parents, students with disabilities, school staff, including special educators, general educators, general education administrators, and private and parochial school representatives, were members of the Steering Committee that carried out discussions regarding their satisfaction with Wilmac Special Education Unit.
3. 80 student files were reviewed for compliance with the IDEA utilizing a form supplied by NDDPI.
4. Compliance worksheets supplied by NDDPI were used by the Final Review Team to give feedback to analyze Wilmac Special Education Unit compliance with the following six basic principles of the IDEA:

Zero Reject – This is the requirement that all children with disabilities be provided with a free appropriate public education (FAPE). It is a response to the past practice of excluding students with disabilities from public education.

Nondiscriminatory Assessment – A child with a suspected disability must receive a full, individualized assessment, which meets specific standards, and includes information from a variety of sources.

Appropriate Education - An IEP team, which includes the child's teacher, the child's parent(s), an administrator, and a special education teacher, develops an educational program tailored to meet the child's unique needs.

Least Restrictive Environment – To the maximum extent appropriate, children with disabilities should be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives in the child's IEP.

Parent Involvement – Parents have the right to have access to their child's educational records; parental consent is required for initial evaluation, reevaluation, and placement; parents must be included in IEP team decisions; and, parents must be notified of their right to appeal.

Procedural Safeguards – Procedural Safeguards, which ensure the fairness of educational decisions, include impartial due process hearings; the right to an independent educational evaluation; written notification to parents explaining their rights; parental consent, and appointment of surrogate parents, when needed.

5. Programmatic issues were analyzed to ensure that data gathered through the self-assessment were reflective of all schools and programs within the unit.

In addition to the self-assessment activities of the Wilmac Special Education Unit, as part of the collaborative review the Wilmac staff also worked to develop a new *Staff Handbook* based on 1997 IDEA regulations. Staff members' teaching certificates and credentials were also reviewed.

The Verification Review conducted by the ND Department of Public Instruction included an on-site meeting with the Wilmac Special Education Unit self-assessment steering committee and the Department's staff. Interviews with 38 school administrators, general educators, special educators, related service providers, paraeducators, students, and parents were conducted during the three days of the verification review on May 9, 10, and 11, 2000. Focused reviews were made of 29 children's special education records following the compliance issues reported by the local Steering Committee. Information obtained from these data sources was shared in a meeting attended by staff from the Wilmac Special Education Unit, the Collaborative Review Steering Committee, the Williston School District, and staff from the ND Department of Public Instruction.

The Department of Public Instruction staff members express their appreciation to the administrators, special and general education personnel, students and parents, and other agency personnel in the Wilmac Special Education Unit who participated in the monitoring activities. Their efforts represent a commitment of time and energy without which the intricate task of monitoring could not be completed.

This report contains a description of the process utilized to collect data, and to determine strengths, areas of noncompliance with the IDEA, and suggestions for improvement in fully realizing the six basic principles of the Individuals with Disabilities Education Act.

Education of Children and Youth with Disabilities
Part B of IDEA

Strengths

NDDPI observed the following strengths:

- A very good working relationship exists between Wilmac Special Education Unit and the nonpublic schools in the area. A network has been created that provides a wealth of resources to assist children with disabilities in nonpublic settings.
- Administrators have expressed positive feelings about resources, services, and programs for students with disabilities.
- Staff skill development activities contribute to efforts to provide inclusive services for children with disabilities. Many of the staff interviewed by the NDDPI Verification team stated that Wilmac is a good resource and excellent consultation is provided, but comments from staff also indicate that more staff skill development activities are needed.
- Positive feedback from parents and families indicate satisfaction with special education services. Parents feel satisfied about programs and services provided to their children. They participate in the IEP process, understand what is discussed, and have received copies of the IEPs. The local Steering Committee felt that parent involvement is a strength in the Wilmac Special Education Unit. The NDDPI Verification Review Team verified this.

Areas of Noncompliance

NDDPI observed the following areas of noncompliance:

- The process of documenting a specific learning disability is incomplete in the areas of the evaluation planning form and the Integrated Written Assessment Report.
- Annual goals lack desired ending levels, and short-term instructional objectives are missing some of the essential features in a number of the file reviews conducted.
- Extended school year services are not always appropriately considered for children with disabilities who need such services in order to receive a free appropriate public education.
- Knowledge of Wilmac Special Education Unit staff needs to be enhanced regarding assistive technology for students with disabilities.
- Transition planning for students with disabilities is not consistently provided to the maximum extent.
- There is insufficient support in general education settings to meet the needs of children with disabilities, particularly children with emotional and behavioral needs.

- Record of access forms were not completed and maintained according to federal regulations in some of the file reviews conducted.
- Appropriate educational surrogate parents are not consistently in place for children with disabilities when needed.

WILMAC MONITORING REPORT
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INTRODUCTION

The Wilmac Special Education Unit Self-Assessment report contains information describing the fifteen school districts that form the basis of the administrative unit. At one time the unit was comprised of seventeen school districts. Two of those districts have dissolved with the majority of the students enrolling in other school districts in the Wilmac Special Education Unit. School district enrollments vary significantly, ranging from a total of 6 students to 2,946 students. As is typical for most North Dakota rural schools, declining enrollments have been noted. Over the past 10 years, total enrollment has dropped by 839 students, a 16% drop in student numbers. It was also noted in recent news reports that the Williston School Board voted to close McVay Elementary School at the end of the 1999 - 2000 school year.

The Wilmac Special Education Unit self-assessment report also identified its Collaborative Review Team/Steering Committee. This is an excellent cross-section of the communities that carried out the unit's self-assessment. A dynamic self-assessment team has been created. Their membership is inclusive of many entities concerned about children with disabilities and their families. The Wilmac Special Education Unit has succeeded in obtaining the input of committed and knowledgeable people. The members of the Collaborative Review Team/Steering Committee included:

- A parent of a child with a disability
- A parent of a child who is not disabled
- Two persons with disabilities
- Two special education teachers
- Two general education teachers
- Two private and parochial school representatives
- A superintendent
- Two principals
- One advocate for persons with disabilities
- A representative from Vocational Rehabilitation
- Three related services providers

Administrative Structures and Children Served: In review of the student population, the Wilmac Special Education Unit indicates 11.6% of the total enrollment of member school districts is identified as receiving special education services. This percentage has varied in a range from .05% to 1.5% over the past ten years. The more significant changes in percentages were due to changes in speech and language guidelines and increases in the area of emotional disturbance. Student needs across the Unit fall within the mild to severe ranges with a number of significantly involved students. Students are served in their home school districts with the exception of some students who are identified as emotionally disturbed, mentally retarded, and autistic. Last year, the Unit had sixteen agency placed students. The number of students who are placed by agencies varies from year to year.

Verification Review and Data Collection: The Wilmac Special Education Unit Self-Assessment report was submitted to NDDPI in May, 2000. The Self-Assessment included data gathered by

improvement study surveys and activities, parent surveys, file reviews, administrator input, final review team feedback, and steering committee discussions.

NDDPI visited school districts in the Wilmac Special Education Unit on May 9, 10, and 11, 2000, for the purpose of collecting data to verify information provided through the Collaborative Review process, including new requirements under the IDEA Amendments of 1997. NDDPI staff members met with the Wilmac Collaborative Review Steering Committee to discuss the Self-Assessment and to identify sites to be visited during the Verification Review. NDDPI visited seven of the fifteen school districts that belong to the Wilmac Special Education Unit. Student record reviews, including Individualized Education Program plans (IEPs) and Integrated Written Assessment Reports (IWARs), were conducted at the unit office site and at several school sites. Interviews were conducted with twelve special education staff members responsible for developing and implementing IEPs, three general education staff members who teach children with disabilities in their classrooms, eleven general education administrators, one University of North Dakota Resident Teacher, two paraeducators, three parents, five students, and the director of special education. Preliminary results and findings were presented to the director of special education in a summary meeting at the end of the Verification Review visit.

Improvement Planning: In response to this report, the Wilmac Special Education Unit will develop an action plan including specific Improvement Strategies addressing areas identified as noncompliant, within 60 days of receipt of this report. The NDDPI special education regional coordinator assigned to the Wilmac Special Education Unit will serve, as needed, as a resource for improvement planning purposes, and will respond in writing to indicate approval of Improvement Strategies submitted by the Unit.

I. ZERO REJECT

All children with disabilities must be provided with a free appropriate public education (FAPE). All children with disabilities, and who are in need of special education and related services, must be identified, located, and evaluated.

During the interviews that NDDPI conducted as part of the Verification Review, one area of concern was identified regarding Child Find activities tied to Building Level Support Teams (BLSTs). Respondents were asked to “Describe the BLST activities in your school.” Further probes asked if there were sufficient pre-referral interventions and support services to maintain at-risk students in the general education program.

Specific concerns identified included inconsistency of the team function and use; limited utilization of the team process; and the challenge the staff faced in finding appropriate interventions. Several school personnel interviewed indicated that the referrals might be coming to the BLST process too late for effective interventions. The team’s response then tends to be a referral to special education for an evaluation.

NDDPI reviewed and analyzed the data and identified the following areas of strengths and suggestions for improvement.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

1. Inconsistent use of Building Level Support Teams

Although BLST procedures are the responsibility of general education programs, an improved and effective process will benefit all children, including children with disabilities. NDDPI would strongly encourage all school districts in the Wilmac Special Education Unit to continue staff skill development at the local level in this area. NDDPI provides ongoing training and support, along with a newly revised BLST manual (January 2000), that is available to all school districts in the state as they develop local BLST policies and procedures. The newly revised BLST manual states, “A universal goal of the educational community in North Dakota is to provide effective educational programs in a supportive school environment, where the individual needs of all students can be met and their unique capabilities developed to the highest possible levels.” The NDDPI encourages BLST teams to convene at the earliest opportunity possible in order to effectively meet the needs of all students.

The Building Level Support Team (BLST) is a system for assisting all educators in developing educational accommodations in the classroom for helping at risk students succeed in school. In some of the interviews conducted by the NDDPI Verification Review Team, it was clear that the BLST process was reaching this level of proficiency. Comments made by staff at several schools indicated that BLST was a useful process providing support for teachers. Several staff interviewed indicated that parents were brought in at the initial stages and became involved in

the problem solving process. An effective means to provide support to teachers may be to have proficient BLST teams train staff in other schools who are questioning how to best utilize the BLST process.

2. Data needs to be gathered and analyzed regarding students who drop out of school and a suspension and expulsion policy should be developed and added to the Staff Handbook

IDEA Part B Child Find obligations extend until students graduate from high school. Therefore it is the responsibility of the special education administrative unit to promote effective strategies to identify any school-age child who has a disability and may require special education and related services. This includes students who are at risk for dropping out of school. The NDDPI Verification Review Team concluded that data concerning the number of students who drop out of school needs to be collected and analyzed. A suspension and expulsion policy also needs to be developed and should be added to the Staff Handbook.

II. NONDISCRIMINATORY EVALUATION

Any child with a suspected disability must receive a full, individualized evaluation, which meets specific standards, and includes information from a variety of sources.

Information included in the Wilmac Self-Assessment indicated areas of concern regarding the components of the evaluation process. The Wilmac Self Assessment report described the lack of documentation for instruction being provided at the appropriate age and ability level and the consideration that a disability is not due to other causes, such as lack of reading and/or math. Further concerns noted that relevant medical findings are sometimes not mentioned and that documentation of medical information is lacking. Additionally, recording of the relationship between classroom observation and academic functioning is an issue that was identified in the Wilmac Self-Assessment.

During interviews the NDDPI Verification Review Team conducted as part of the Verification Review, respondents were asked, “For SLD students, describe how the additional requirements are addressed.” Further investigation included questions regarding documentation of instruction being provided at appropriate age and ability level, the discrepancy not attributed to other causes, educationally relevant medical findings documented, the disability not due to lack of instruction, and documentation of the relationship between classroom observation and academic functioning. Copies of assessment plans and assessment reports were also reviewed during the student record review process at the unit office.

Through student file reviews and personnel interviews, the NDDPI Verification Review Team was able to validate the conclusions reached by the Wilmac Unit self assessment. The following four items were specifically identified as areas of concern:

1. The report must note whether prior to referral for initial assessment, instruction provided was appropriate to age and ability.
2. The report must document an observation in the child's classroom.
3. The report must indicate consideration of the relationship between observation and academic functioning.
4. The report must document that discrepancies are not attributable to other causes (sensory, other disabilities).

Another evaluation issue identified by the Verification Team as an area of noncompliance was that unit evaluation plans did not routinely include students' interests and preferences for transition-age students. The Self Assessment report also mentioned that Wilmac staff continues to feel uncertain about some areas of transition planning. In addition, the Verification Team acknowledged the Self-Assessment report's identification of the need to develop integrated written assessment reports that contain the required elements.

NDDPI reviewed and analyzed the data and identified the following areas of noncompliance and suggestions for improvement.

AREA OF NONCOMPLIANCE

Incomplete Documentation on Evaluation Planning Forms and Integrated Written Assessment Reports (for students identified as learning disabled).

NDDPI *Guidelines: Evaluation Process* (8/1/99) includes suggested procedures and forms to meet requirements of the assessment planning process and development of the integrated written assessment report (IWAR). Following these procedures will ensure compliance with 34 CFR 300.553, *Determination of needed evaluation data*, and 34 CFR 300.532, *Evaluation procedures* (including the IWAR). It was noted by NDDPI monitors during review of student assessment plans that consideration of student interests was not documented for students of transition age as required in 34 CFR 300.347 *Content of IEP transition services*. It was also noted that the integrated written assessment reports for students identified as learning disabled did not contain documentation of the required elements in CFR 300.532 – 300.534.

SUGGESTION FOR IMPROVED RESULTS FOR CHILDREN

By implementing an Internal Review Process in the Wilmac Special Education Unit, teams of staff members could review files on a regular basis to assess the quality of the student files. The File reviews conducted by the NDDPI Verification Review Team indicated varying levels of expertise on the part of the Wilmac staff. The evaluation process compliance concerns identified by both the Wilmac Unit and NDDPI were primarily limited to students of transition age and to students identified as learning disabled. It will benefit special education personnel in the Wilmac Unit, especially those working with older students and those involved in the evaluation of

students identified as learning disabled, to participate in ongoing training on the evaluation process. The unit would benefit from its own internal monitoring process that would enable staff to share their expertise in these areas and gain skills from each other.

III. FREE APPROPRIATE PUBLIC EDUCATION

An IEP team, which includes the child's teacher, the child's parent(s), an administrator, and a special education teacher, must develop an educational program tailored to meet the child's unique needs.

The Wilmac Unit self-assessment report identified four concerns regarding the individualized education plans (IEPs) of unit students:

1. Annual goals and objectives did not include all required components.
2. Extended school year.
3. Assistive technology.
4. Planning for transition for students 14 years and older.

During interviews that NDDPI conducted as part of the Verification Review, respondents were asked to describe the IEP development process. Further exploration in this area included specific questions related to annual goals and desired ending levels of performance, development of short term objectives, determination of student needs for assistive technology, transition-planning activities for students 14 years and older, and the process for determining extended school year services for students. Student file reviews completed by NDDPI staff also included the IEP components indicated above as areas of concern.

NDDPI monitors reviewed and analyzed the data and identified the following areas of noncompliance.

AREAS OF NONCOMPLIANCE

1. Measurable Annual Goals

34 CFR 300.347 *Content Of IEP* requires that goals be measurable and include short-term objectives intended to meet the child's educational needs that result from the child's disability. NDDPI Verification Review team members identified IEP annual goals that were very broad, general in nature, not individualized, and did not reflect desired ending levels of performance. The Verification Team also agreed with the Self Assessment report's finding that short term instructional objectives did not always include the required components as required in 34 CFR 300.347(2).

2. Extended School Year Services

34 CFR 300.300 *Provision of FAPE* requires that a free appropriate public education be made available to all children with disabilities. 34 CFR 300.13 requires that services be provided in accordance with an appropriate IEP. In addition, 34 CFR 300.309 states that extended school year services must be available as necessary in order to provide free appropriate public education to children with disabilities. Through interviews with school personnel and student file reviews of IEPs, NDDPI monitors determined that extended school year services (ESY) are not always appropriately considered for all children with disabilities who need such services in order to receive a free appropriate public education. The Wilmac Self-Assessment indicated that documentation in the ESY section of the IEP was incomplete; however, a clear understanding of the required process for determination of ESY services may be the larger issue. Staff interviews indicated that there are not enough ESY services for students who are emotionally disturbed. Also, staff was unsure of the difference between summer school and ESY. In addition, staff had not consistently received the ESY guidance document provided by NDDPI in April. Finally, all staff had not yet received training regarding the ESY guidelines.

3. Assistive Technology

Summary information included in the Wilmac Self Assessment specified that the staff's knowledge needs to be enhanced regarding available technology for students with special needs. During interviews that NDDPI conducted within the Verification Review, specific questions were asked regarding how a team determines the student's need for assistive technology devices and services, including when the need for assistive technology is considered and who determines the need for the device or service. Student files reviews completed by NDDPI monitors also included items based on assistive technology.

Through the student file reviews and personnel interviews, the Verification Review team was able to corroborate the conclusions reached by the Wilmac Unit self-assessment. 34 CFR 300.5 *Assistive technology device* calls for the use of assistive technology devices and 34 CFR 300.6 *Assistive technology service* involves assistive technology services to support the education of a child with a disability. Through interviews, the NDDPI Verification Review team found that Wilmac staff members were not fully aware of the assistive technology options currently available.

4. Transition Planning

Transition, which is a major part of the IEP process for students ages 14 and over, was identified by the Wilmac Self Assessment report as an area where the staff feels uncertain.

The NDDPI Verification Review team reviewed transition components of several IEPs for students 14 years of age and older, and interviewed unit personnel working with these students. The Verification Team agreed with the Self-Assessment's finding that staff members feel

uncertain about some of the areas of transition planning. NDDPI monitors noted that transition sections of the IEP tend to be incomplete and do not yet reflect a true picture of the transition planning process. NDDPI recommends that the transition planning process should be a priority for the Wilmac Special Education Unit. Wilmac should also consider developing stronger collaborative relationships with Developmental Disabilities, Job Service, and Independent Living Centers. This will ease some of the planning burdens placed upon the schools and encourage student connections to additional resources.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Appropriately trained and certified staff

The training and certification of staff to provide services to students with disabilities is a critical piece of the educational process. A suggestion from NDDPI is the addition of a school psychologist to the Wilmac staff. One of the areas mentioned in the Verification Team interviews was a concern among the staff regarding the length of time it takes to receive the results of the evaluations.

In another situation noted by the NDDPI Verification Team, Wilmac Special Education Unit did not submit the necessary forms to become a part of the NDDPI Speech-Language Pathology Assistants Pilot Project. As part of the program, the supervising Speech-Language Pathologist must provide written documentation to show direct and in-direct supervision provided to each SLPA. Supervision days and time of day (morning/afternoon) must be alternated to ensure that all clients receive direct contact with the SLP at least once every two weeks. In the future, the Wilmac Special Education Unit must follow these standards established by NDDPI.

An additional area of concern that was noted during interviews conducted by the Verification team was the issue of appropriate responsibilities and training given to paraeducators. During interviews that NDDPI conducted as part of the Verification Review, respondents were asked to describe how paraeducators participate in the provision of services for students with disabilities. Additional areas discussed in the interviews were whether adequate training and information was made available to implement the IEP and if appropriate responsibilities were assigned. In the interviews conducted, 47% of the respondents felt that one or both of the above areas were a concern or not being met. Of the people interviewed who indicated concern in this area, 67% expressed concern over adequate training and 33% were concerned about inappropriate responsibilities being assigned to paraeducators. Thus, NDDPI concludes that the Department of Public Instruction's *"Resource Manual: The Implementation of Effective Paraeducator Practices in Educational Settings,"* (March, 2000) which details the concept of direct supervision and appropriate training options, should be consulted as policies and procedures for paraeducators are established in the Wilmac Unit.

IV. LEAST RESTRICTIVE ENVIRONMENT

To the maximum extent appropriate, children with disabilities must be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives in the child's IEP.

Included in the Wilmac Self-Assessment report were surveys of local education personnel. Responses to one of the questions indicated some concerns regarding adequate training, information, and both material and personnel supports that allowed implementation of students' IEPs. A significant concern noted in the summary of information in the Self Assessment report addressed the lack of understanding of emotional and behavioral issues, and skill development of interventions and strategies used to meet the needs of students in the general education classroom.

During interviews conducted by NDDPI monitors as part of the Verification Review, respondents were asked to "Describe how general education teachers in the school system are supported when students with disabilities are in their classroom." Respondents were also asked to "Describe how general education teachers are supported when special education students have emotional or behavioral issues."

NDDPI reviewed and analyzed the data and identified the following area of noncompliance and suggestions for improvement.

AREA OF NONCOMPLIANCE

Insufficient support in general education settings to meet the needs of children with disabilities, particularly children with emotional and behavioral needs.

34 CFR 300.550(b) *General LRE requirements* call for, to the maximum extent appropriate, children with disabilities to be educated with children who are not disabled. In addition, removal of children with disabilities from the general education environment may occur only when the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. Of the personnel interviewed, 34% felt that there was a need for general education staff to have more training to meet the needs of children with disabilities. Of the respondents above 38% felt that, although they had good feedback from Wilmac staff, they noted a need for more training. A concern voiced in the interviews conducted was that even though general educators are not resistant to inclusive education, there is a need for more training to learn how to effectively meet the needs of students with disabilities.

Additionally, 34 CFR 300.346(2) *Development, review, and revision of IEP* requires that an IEP team consider including positive behavioral interventions, strategies, and supports to meet the needs of a child whose behavior impedes his or her learning or that of others. Through

interviews with school personnel, NDDPI verified that 36% of those interviewed felt the need for skill development of appropriate interventions and strategies used to meet the needs of students whose behavior impedes learning in the general education classroom. Staff indicated that they felt classroom teachers would accept more responsibility for supporting students with behavioral and emotional needs if they received more training and skill development. A concept voiced by some of the respondents was that more training would promote ownership and transform the process from moving a student to a separate room, to the concept of providing consultant services to meet the needs of the student in the general education classroom.

SUGGESTION FOR IMPROVED RESULTS FOR CHILDREN

1. Effective collaboration between special education teachers and general education teachers

Although effective collaboration between special education teachers and general education teachers is not a regulatory requirement of IDEA, efforts to improve collaboration will certainly benefit all children, including children with disabilities. A common concern noted as a barrier to increase collaborative efforts within a school was the “lack of time”. Creative improvement planning strategies developed at the local school level will be needed to address this issue. Both general education teachers and special education teachers interviewed indicated they would be interested in more team teaching efforts within their schools.

2. Additional staff skill development activities

Staff skill development activities contribute to efforts to provide inclusive services for children with disabilities. Many of the staff interviewed stated that the Wilmac administrative office is a good resource and excellent consultation is provided but comments from staff also indicate that more staff skill development activities are needed.

V. PARENT INVOLVEMENT

Parents have the right to have access to their child’s educational records. Parental consent is required for initial evaluation, reevaluation, and placement. Parents must be included in IEP team decisions, and parents must be notified of their right to appeal.

The Wilmac Self-Assessment report summarized information from parent surveys conducted as part of the school improvement process. In general, parents expressed comfort with their personal level of involvement in educational programs participated in by their children. Survey results show that parents feel satisfied with programs and services provided to their children.

During interviews conducted by NDDPI monitors, school personnel were asked to describe the quality of parental involvement in decision making. A second area that was discussed in the interviews of staff was if parents are involved in general and special education parent activities.

NDDPI reviewed and analyzed the data and identified the following strength and suggestions for improvement.

STRENGTH

Positive feedback from parents and families indicates a level of satisfaction with school services, including special education services. Parents do attend assessment planning and IEP meetings, understand what is discussed, and have received copies of the IEP. The interviews conducted indicated that Wilmac staff attempt to draw out the parents' input and to put the families at ease.

SUGGESTION FOR IMPROVED RESULTS FOR CHILDREN

Interviews with school personnel indicated that parents consistently attend meetings, however, there are differing levels of actual participation and decision-making. NDDPI strongly encourages the Wilmac Special Education Unit to continue to offer information and training opportunities to families of children with disabilities. Parental involvement has long been recognized as an important indicator of a school's success and parent involvement has positive effects on children's attitudes and behavior. Partnerships positively impact achievement, improve parents' attitudes toward the school, and benefit school personnel as well.

VI. PROCEDURAL SAFEGUARDS

Procedural safeguards, which ensure the fairness of educational decisions, include impartial due process hearings; the right to an independent educational evaluation; written notification to parents explaining their rights; parental consent; and appointment of surrogate parents, when needed.

AREAS OF NONCOMPLIANCE

Information included in the Wilmac self-assessment report summarized data from an internal monitoring process of student file reviews. The self-assessment report did not identify concerns in the area of procedural safeguards. However, student file reviews completed by NDDPI monitors during the Verification Review process noted specific concerns with the Record of Access form. In addition, during an interview conducted by the NDDPI Verification team, a concern was noted regarding the choice of appropriate educational surrogate parents.

1. Record of access forms must be completed and maintained correctly to meet federal standards.

During the student file reviews completed by NDDPI monitors during the Verification Review process, concerns were noted regarding the completion of the Record of Access form placed in student files. The Record of Access form was, at times, used as a log of contacts with parents. Also, the Record of Access form was frequently not signed by anyone. Recommended procedures to be followed are found in 34 CFR 300.563 *Record of Access* which states, “Each participating agency shall keep a record of parties obtaining access to education records collected, maintained or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.”

2. Appropriate educational surrogate parents must be in place when needed.

The second area of concern is the procedural safeguard 34 CFR 300.515 *Surrogate parent*. Qualifications in the State of North Dakota for educational surrogate parents require that the surrogate parent have no interest that conflicts with the interests of the student. The educational surrogate parent must not be an employee of any agency involved in the education or care of the student. The NDDPI Verification Review Team determined that a situation in the Wilmac Unit constituted a conflict of interest regarding an employee of a public agency involved in the education or care of the child. This situation requires immediate correction.